

ELAN FELDMAN
1050 Northwest 21 Street
Miami, Florida 33127
EMAIL: Feldmanelan@yahoo.com
JULY 20, 2017

EX PARTE PRESENTATION - VIA ELECTRONIC FILING

Re: Applications of Comcast Corp., NBCU, MB Docket No. 10-56

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20054

Via Electronic Filing

Dear Ms. Dortch,

Jessica Campbell, (Industrial Analysis Division) in regard to a requested ex parte meeting with Commissioner Mignon Clyburn. This is in regard to petitions and complaints submitted with undisputable evidence of Comcast criminal actions, violation of the FCC11-4 order, violations of the Communications act and violations of other laws.

Regarding the petition and email to Jessica, I imply selective enforcement by the FCC in these filings. It is admitted that the media bureau has on their desks the filings since 2016. A complaint was filed in 2015 with evidence. Yet an affidavit by Comcast VP signed and notarized admitting he did not have the legal requirements to sign the Comcast Opposition to Petitions¹ is hidden on desks. This affidavit makes the 10-56 Comcast/NBCU mergers unlawfully gotten by this proven criminal. Actions that were intentional and the knowledge go to the top of the company (CEO Brian Roberts²). Comcast has responded in all filings and does not deny the truthfulness of the filings.

Selective enforcement is shown to be true. The Jessica's Email admits that the evidence exists. I fight so hard as this behavior of our protector, a regulator is wrong. I am now a leper at the FCC with proof of wrongdoing. This leaves me wondering why hear no evil or see no evil³ is a practice in my case. Previously a phone call got me an ex parte within days.

¹ Opposition To Petitions To Deny And Response To Comments as to Comcast Corporation and its affiliates

² A visit to the office of Brian Roberts is admitted by Comcast attorneys. This would not get the unlawfully trespass stopped.

³ Brian Roberts played golf with our previous President and held a position on the President's Council on Job and Competitiveness. David Cohen personal friend of the President Obama and fundraiser. President Obama joked regarding David Cohen's home "I have been here so much, the only thing I haven't done in this house is have Seder dinner."

I have proved Comcast a criminal. A willfulness to cheat and harm the public is shown by my example. Now I wish to know if the Commissioners have the knowledge of the (MB) Media Bureau which has hidden on desks, complaints held till the clock stops ticking.

1. An affidavit by David Cohen VP of Comcast was submitted; proving the NBCU 10-56 merger, Opposition to petitions was fraudulently signed, making the greatest media merger, Comcast/NBCU 10-56 fraudulently and unlawfully gotten. With the retraction of the required personal knowledge⁴, Comcast requirement to prove the public purpose is Void. The petitions which are still pending are undisputed⁵ The laws are undisputable and the "Act" and laws required personal knowledge with that signature.

Jessica Campbell, (Industrial Analysis Division) insinuates an ex parte violation. How would an unannounced phone call declaring I'm not going to get an Ex parte meeting be unfair to Comcast or be an ex parte meeting, or influence rulemaking? How would I know I know that she influences rule making and what rule making would I want to influence in the Industrial Analysis Division. ⁶ Enclosed is Jessica's email to me and my reply more backup and exhibits.

I thank you in advance and hope you will assist in getting me a meeting with Commissioner Mignon Clyburn. I have other evidence to show not filed. I will forward a copy to Commissioner Mignon Clyburn office and Comcast.

ENCLOSED EMAIL RESPONSE BACKUP

Respectfully,
/s/ Elan Feldman
Elan Feldman

⁴ 47 CFR 1.939 (f). *Oppositions and replies*. The applicant and any other interested party may file an opposition to any petition to deny and the petitioner may file a reply thereto in which allegations of fact or denials thereof, except for those of which official notice may be taken, shall be supported by affidavit of a person or persons with personal knowledge thereof. Also noted in the "ACT" section 309(d)(2)

⁵ A petition shall be deemed to be pending before the Commission from the time a petition is filed with the Commission until an order of the Commission granting or denying the petition is no longer subject to reconsideration by the Commission or to review by any court. 47cfr 1.65, 73.3588, 1.935 DA16-272, DA15-375A, FCC15-126,

⁶ Industry analysis is a tool that facilitates a company's understanding of its position relative to other companies that produce similar products or services. Understanding the forces at work in the overall industry is an important component of effective strategic planning. <https://www.inc.com/encyclopedia/industry-analysis.html>

Subject: MB Docket 10-56

From: Jessica Campbell (Jessica.Campbell@fcc.gov)

To: FeldmanElan@yahoo.com;

Date: Monday, July 3, 2017 11:00 AM

Mr. Feldman,

I have been notified that you have made repeated requests for an ex parte with Commissioner Clyburn in order to discuss your petitions filed in the aforementioned docket. You may recall that you and I have already spoken on multiple occasions regarding your complaints against Comcast. Our last discussion was on or about December 12, 2016. During that call, I informed you that we were treating our discussion as an ex parte, and accordingly, you were required to file the appropriate disclosures pursuant to the FCC's rules. There is no indication that you filed one with the FCC Secretary.

The Commission is in receipt of the petitions that you filed in October 2016 and May 2017, as well as your replies to Comcast's responses. The petitions are currently being reviewed by the Media Bureau, and I am unable to provide you with additional updates at this time. If you wish to have an ex parte with Commission staff in order to share new information, we can arrange to have another call during which you can make your presentation. Again, your request will be honored for the presentation of any new information you have to share, and I remind you of your obligation to file an ex parte disclosure pursuant to the Commission's rules. You can find guidance on the ex parte disclosure requirements here: <https://www.fcc.gov/proceedings-actions/ex-parte>.

Very truly yours,

Jessica L. Campbell
Attorney Advisor
Media Bureau/Industry Analysis Division
Federal Communications Commission
Room 2-C225

Tele: 202.418.3609

Jessica.Campbell@fcc.gov

To Jessica Camble,

While you acknowledge the existence of the petitions you forget about my 2015 complaint submitted also with evidence. They are all sitting on desks uninvestigated for years containing undisputable proof of Comcast violations. But, our FCC starts investigations on a flip of a dime within a month or two in regarding a stupid joke by Stephen Colbert whom is not an FCC licensee. Comcast lying to the American public, retaliating against a participant in the merger and the 11-4 specifically protecting them , violating the Communications act multiple times is ok. Our FCC even ignores an affidavit from Comcast VP David Cohen admitting he did not have the authority legal required to sign the Opposition to Petitions in the largest media merger in history. The petition proves Comcast intentionally violates the rights of the public and laws. Comcast intentionally engaging in criminal actions violating the “ACT” seems unimportant to our FCC and sits on desks for years.

I remind you that the FCC , the merger was required by law to deny petitions and issue a concise statement why¹. in this 10-56 merger instead denied my petition and the concise statement why my petition that raised issues of violations of the Communications act.² stated that the FCC is are only interested in the violations of the Communications Act. It's An Oxymoron. How many other violations did our FCC ignore or intentionally hide to pass the merger? And how many did not complain that had licenses that had to fear retaliation by our FCC. In 2015 our FCC was investigating Comcast violation of the 11-4 order by others. Exhibit (A) . Is this also sitting on desks as the clock ticks to finalize the merger?

AT&T /Time Warner merger

Now Time Warner and AT&T wishes to merge (to combine two things into one) and our FCC wishes to ignore that Time Warner is going to receive licenses from AT&T.³ Our laws require the public purpose mandate in the transference of licenses and our FCC is ignores that mandate.

Comcast/AT&T MB Docket 02-70

In 2002 Comcast and AT&T broadband merged, becoming Comcast/AT&T Corp. Just after the merger Comcast/AT&T changed their name to Comcast Corp with AT&T owning 56% of the stock and 66% of the voting rights. Yet, if a substantial change in this majority control of (as Comcast states:)⁴ *“the largest most powerful media company of the world”*, I cannot find it in the internet or FCC files. When did this

¹ it shall make the grant, deny the petition, and issue a concise statement of the reasons for denying the petition, which statement shall dispose of all substantial issues raised by the petition. “ACT 309(d) (2)

² FCC11-4 paragraph 278 and 279

³ FCC helps AT&T and Time Warner avoid lengthy merger review . <https://arstechnica.com/tech-policy/2017/04/atttime-warner-merger-is-one-step-closer-to-government-approval/>

⁴ The new company, to be called AT&T Comcast Corporation, will be one of the leading and most powerful communications, media and entertainment companies in the world. AT&T shareowners will own a 56 percent economic stake and about a 66 percent voting interest in the new company. The Roberts family, which owns Comcast Class B shares, will control one third of the new company's outstanding voting interest. <http://corporate.comcast.com/news-information/news-feed/att-broadband-to-merge-with-comcast-corporation-in-72-billion-transaction>

merger demerge? ⁵ Why were there no public notice and or public approval of a transfer of majority control from AT&T (if AT&T is no longer pulling the Comcast strings)?

Exparte Violation

In regard to your insinuation that I violated an FCC rule, as a private citizen, a member of the public and not an attorney, after a careful reading you requested me to do, I believe, an unannounced phone call from an unknown person at the FCC in regard to a requested Exparte, requesting to come to Washington for a presentation to a particular person, with no NEW information discussed or the purpose of the meeting discussed, and the only purpose of the your call is to tell me I will not get the Exparte meeting, is not exparte Communication. Your purpose to claim I got the requested exparte doesn't fly. I didn't ask to speak to you. Communication that our FCC is refusing to allow me to come to Washington to a meeting is not unfair to Comcast. Furthermore, I received no letter regarding such violation and the FCC does not show any Actions Addressing Exparte Violations that if you did file as required promptly would have given this petitioner the need to previously defend.⁶ Even if what you say is true, the Commission has great discretion especially to private members of the public in regard to protecting the public interest. Turning in a licensee, who violated the FCC11-4 order, retaliates against a whistleblower, a participant in the merger, and then attempted to silence him through extortion by giving a choice of two harms, demanding in front of a Judge and court reporter the removal of his FCC allegations, demanding confidentiality with a threat, giving a choice of 2 harms serves no public interest and should be known and public record. Clearly a serious character issue. This merger was wrongly gotten and now wrongly allowed to remain. I am not backing down against Comcast, the FCC or the DOJ ⁷ and realize my punishment is forthcoming. President Trump said, the Media is Corrupt and the system is rigged. This media empire is proven corrupt and proven intentionally ignores laws. Comcast is proven a criminal. I am still willing to give another chance to our regulators. Don't disappoint me.

Note: as exparte rules are questioned on your part. I will file this email as exparte and serve a copy to Comcast as not to be unfair and include exhibits and your Email.

Request you go back to Commissioner Mignon

I respectfully request that you go back to Commissioner Mignon and ask her if our Media Bureau informed her of the undisputable evidence that was submitted, the Affidavit, the Jury verdict. That Comcast violated the FCC11-4 order retaliating against this participant and that that retaliation was done for doing what the FCC11-4 order specifically required of this petitioner to have standing⁸? I

⁵ 47 CFR 63.24 - Assignments and transfers of control (c)

⁶ Ex Parte Rules (2011) § 1.1214 Disclosure of information concerning violations of this subpart. Any party to a proceeding or any Commission employee who has substantial reason to believe that any violation of this subpart has been solicited, attempted, or committed shall promptly advise the Office of General Counsel in writing of all the facts and circumstances which are known to him or her.

⁷ The DOJ who promised in the merger that retaliation would not happen, was also served the violation of the retaliation order and refused meetings and has ignored the Complaint see (Assistant Attorney General Christine Varney Holds Briefing on Comcast/NBCU Joint Venture <https://www.justice.gov/opa/speech/assistant-attorney-general-christine-varney-holds-briefing-comcastnbcu-joint-venture>. Third note, The provisions also prohibit Comcast and NBCU from retaliating against those who raise concerns with the department or the FCC.

⁸ FCC11-4 Paragraphs 278, 279

enclose Comcast attorney's letter to a subcontractor showing Comcast knew they were guilty and spent millions of dollars and an army of attorneys to minimize their guilt and wear me down. What the letter does not show, that discovery did, Comcast installed the cable themselves. Exhibit 2

1. Does she know that Comcast was found guilty of criminal action and their actions were intentional?
2. Does she know that Comcast fraudulently signed the Opposition to petitions in the merger which makes all petitions in the 10-56 Comcast NBCU merger undisputed and the FCC's requirement to.
3. David Cohen himself signed the affidavit which acknowledges that the Comcast/NBCU merger 10-56 that he did not have the personal knowledge required by the "ACT" and Law in the merger making that signature false and all petitions in that merger undisputed. The 10-56 merger was fraudulently gotten. Comcast's required burden of proof the merger serves the public interest is non-existent⁹ and violates rules and statutes as Comcast responded in the merger falsely¹⁰.
4. Does she know that Comcast has violated the Communications act in 3 different parts.¹¹

A Reminder To Commissioner Mignon of her words to the public.

Is the megaphone broken?

"I was pleased to see that the Order approving this transaction imposes additional conditions on the Applicants in a number of areas, including:.....and preventing retaliation against any entities who seek to exercise rights in this Order or participated in this proceeding. For these reasons and others, I am willing to find that this transaction serves the public interest.. I will be watching closely with my large megaphone in hand should these agreements be ignored." FCC 11-4 page 277

As you see I'm taking my obligations as an American seriously. I thank you for your response and hope that it will persuade you to do the right thing and assist me in getting a meeting. Money and power should not buy innocence at the FCC, or does it? It's your country as much as mine.

Thank you in advance

Elan Feldman

⁹ The Applicants bear the burden of proving, by a preponderance of the evidence, that the proposed transaction, on balance, serves the public interest. FCC11-4 paragraph 22

¹⁰ Sec 309(d)(1)

¹¹ Sec 309 (d)(1), Sec 621 (2) (A) and Sec 621 (2) (C)



Cable

Report: Comcast under investigation by FCC and DOJ for possibly violating 2011 NBCU purchase mandates

by *Daniel Frankel* | May 29, 2015 12:50pm

Exhibit A

The FCC and Justice Department are investigating possible violations by Comcast (NASDAQ: CMCSA) of mandates put forth in 2011 as conditions for regulatory approval of its NBCUniversal purchase.

"They're sitting on a ton of potential evidence," said one "individual close to the process" to the *New York Post*. "They're asking themselves if they can create a separate proceeding or whether they need a new complaint to allow [the evidence] to be introduced."

A Comcast rep told the paper that the cable conglomerate files annual compliance reports, which have not been challenged.

According to the report, Comcast abused promises to regulators that it wouldn't tie negotiations for linear programming to those of digital content. Comcast is also being accused of interfering with the management of SVOD service Hulu, of which it is a part owner.

Additionally, there's concern that a new arrangement that lets NBCU use Comcast cable set-top data violates merger conditions; and some operators of minority-targeted channels say their position on the Comcast programming grid is so obscure, they can't support their businesses.

Speaking in regard to the Hulu allegations, the Comcast rep said the cable company "had no role in making, evaluating, or reconsidering any management decisions at Hulu, including the decision by Disney and Fox first to put Hulu on the market and subsequently the decision by them not to sell Hulu."

Comcast has already been dinged once for violating its 2011 merger mandates. In 2012, it was fined \$800,000 by the FCC for failing to adequately promote the availability of standalone broadband services.

For more:

- read this *New York Post* [story](#)

Related Articles:

Comcast notifies Atlanta customers of rate hike, says it's just part of earlier announced price increases

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

192 ANDERSON STREET
MARIETTA, GEORGIA 30060

TELEPHONE (770) 429-1409
TELECOPIER (770) 429-8931

BILLING ADDRESS
P.O. BOX 3305 • MARIETTA, GEORGIA 30051

TENNESSEE OFFICE
CEDAR RIDGE OFFICE PARK, SUITE 463
408 N. CEDAR BLUFF ROAD • KNOXVILLE, TENNESSEE • 37923

TELEPHONE (865) 692-9039
TELECOPIER (865) 692-9071

KASI R. WHITAKER
NICHOLAS J. PETERSON*
JAMES D. WALKER III
CHRISTOPHER D. GUNNELS*
JENNIFER S. WHITE*
RYAN G. PRESCOTT
RICARDO J. DAMEDEIROS
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COLE B. STINSON*
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CHARLES PIERCE*
BRANDON C. HARDY

STAYCE W. BURKHART*
CLAY S. ODANIEL
C. DAMON GUNNELS
GRAHAM E. MCDONALD
KARINE M. POLIS
PHILIP G. GOMBAR*
SARAH S. GRANT

OF COUNSEL:
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
-- ALSO ADMITTED IN NM
--- ALSO ADMITTED IN NC
• ADMITTED ONLY IN TN

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON†
ROBERT D. INGRAM†
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK†
ALEXANDER T. GALLOWAY III†
J. KEVIN MOORE
RODNEY R. MCCOLLOCH
SUSAN S. STUART
DANIEL A. LANDIS***

BRIAN D. SMITH
HARRY R. TEAR III
W. TROY HART†
JEFFREY A. DAXE
JOYCE W. HARPER*
AMY K. WEBER
KIM A. ROPER
TARA C. RIDOLE
KELLI L. WOLK
TANYA L. CROSSE*
ROBERT W. BROWN II
VICTOR P. VALMUS
T. SHANE MAYES
ANGELA H. SMITH
OPHELIA W. CHAN
DARRELL L. SUTTON

November 9, 2007

Steven J. Lachterman, Esq.
848 Brickell Avenue, Suite 750
Miami, Florida 33131

Re: Claim of Elan Feldman d/b/a J&J Refrigeration
Supply Co.; Claim No.: P50514307301

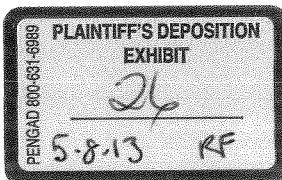
Dear Mr. Lachterman:

Please let this correspondence serve as a request for indemnification of our client, Comcast of Miami, Inc., from your client, Florida Sol Systems, Inc., for property damages incurred at 1050 N.W. 21st Street, Miami, Florida 33127, as a result of work performed by Florida Sol. We appreciate you taking the time in speaking with us about the matter earlier this week. We understand that you have had very little involvement with this situation up until now outside of our "voucher" letters requesting indemnification. Unfortunately, given recent developments and the history of this matter, we believe your client is at a significant risk of major exposure. As such, we would like to take this opportunity to lay out the "bare bones" of this matter and attempt to resolve the case before it takes a turn for the worse.

WORK PERFORMED BY FLORIDA SOL

On June 2, 2004, your client, Florida Sol, undertook to install an aerial cable wire at 1025 N.W. 20th Street, Miami, Florida 33127. This work was done pursuant to the Master Construction Agreement in place between Comcast of Miami, Inc. and Florida Sol Systems, Inc.

During installation, not only did Florida Sol run the cable wire physically across and touching the roof of J&J Refrigeration Supply Company located at 1050 N.W. 21st Street, Miami, Florida 33133, without the consent or knowledge of the owner of that establishment, Elan Feldman, it actually anchored the wire to the roof of building. A



MOORE INGRAM JOHNSON & STEELE

Steven J. Lachterman
November 9, 2007
Page 2

copy of documents supporting the claim that Florida Sol performed this work is attached as Exhibit "A".

DAMAGES INCURRED BY MR. FELDMAN

As a result of Florida Sol's improper anchoring of the cable wire to Mr. Feldman's roof, Mr. Feldman and his business suffered significant damage to the structure and contents of the building. Ultimately, the anchor loosened causing the cable wire to whip in high winds causing the roof to tear and become structurally unsound. Unfortunately, much of this damage was caused just prior to heavy rains and winds associated with multiple hurricanes that came through the Miami area, further exacerbating the problem.

Mr. Feldman has provided an appraisal of the cost of repairing and/or replacing the damaged roof, as well as an estimate for the replacement cost of damaged or destroyed property contained within the building. A copy of this appraisal is attached as Exhibit "B" for your review. The total estimate for replacement value comes to \$554,843.28.

DUTY TO INDEMNIFY

The Master Construction Agreement entered into between Comcast of Miami, Inc. and Florida Sol Systems, Inc. on June 1, 2003, provides that Florida Sol shall indemnify and hold harmless Comcast from any and all claims, judgments, liabilities, and damages arising out of or in connection with the performance, negligence or other wrongdoing on the part of Florida Sol, its employees, agents, servants or representatives. Section 15 of the Contract entitled: "Indemnification", lays out Florida Sol's indemnification duties in detail. A copy of this contract is attached to this correspondence as Exhibit "C" for your reference.

It is clear that any and all damages sustained by Mr. Feldman and his business is the result of the work performed by Florida Sol and, as such, Florida Sol owes a duty to Comcast of Miami, Inc. to indemnify it for the claims now being asserted by Mr. Feldman.

According to our records, Florida Sol has been put on notice of this claim and Comcast's intent to request indemnification. A copy of previous correspondence regarding this matter is attached as Exhibit "D".

MOORE INGRAM JOHNSON & STEELE

Steven J. Lachterman

November 9, 2007

Page 3

CONCLUSION

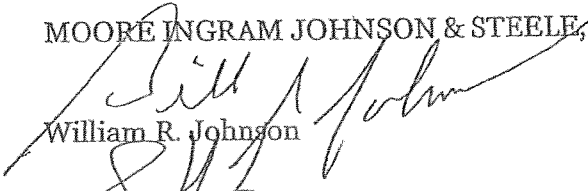
Mr. Feldman is becoming increasingly persistent that we resolve this issue. It is our belief that a formal lawsuit is imminent, complete with claims for punitive damages. It is not our intent to unduly burden your client with this matter; however, our investigation confirms that the installation of the cable wire was done without permission and damage was caused as a result. It may very well be that Mr. Feldman's claim that he sustained damages in excess of \$500,000.00 is exaggerated, but it is clear that he is entitled to some recovery in this matter.

In truth, we likely should have pursued your client for indemnification much more vigorously in the past. Nevertheless, we have now put this matter on the front burner in an attempt to protect our client, and ask that you do likewise. At this time, we respectfully request that Florida Sol provide indemnification to Comcast of Miami, Inc. for the full and total amount of Mr. Feldman's claims against Comcast of Miami, Inc. We further request that you reply to our demand within ten (10) days of the date of this correspondence.

We look forward to hearing from you and hope that we can reach an amicable resolution of this matter.

Sincerely yours,

MOORE INGRAM JOHNSON & STEELE, LLP


William R. Johnson


Angela H. Smith

WRJ/AHS:pag
Encl.



FCC to investigate, 'take appropriate action' on Colbert's Trump rant

BY MARK HENSCH - 05/05/17 03:51 PM EDT

Just In...

Merkley: We're not going to 'dismantle the healthcare system'

[SENATE](#) — 5M 25S AGO

GOP senators calling for Congress to work through August recess

[SENATE](#) — 7M 33S AGO

Trump 'working hard' to get Olympics to Los Angeles

[ADMINISTRATION](#) — 23M 22S AGO

A civic responsibility to enhance firearm and medical training in public schools

[CONTRIBUTORS](#) — 24M 56S AGO

Kathy Griffin posts photo with publicist who set up Trump Jr.'s meeting with Russian lawyer

[BLOG BRIEFING ROOM](#) — 35M 35S AGO

Cruz: 'Crazy' to go into August recess having healthcare plan

[HEALTHCARE](#) — 36M 37S AGO

Russian lawyer: Trump campaign wanted information on DNC 'so badly'

[ADMINISTRATION](#) — 49M 42S AGO

Trump to make state visit to UK next year: report

[ADMINISTRATION](#) — 1H 4M AGO

110,235 SHARES

SHARE (110K)

TWEET

PLU:



Late night talk show host Stephen Colbert's controversial joke about President Trump drew the attention of the Federal Communications Commission. The agency received "a number" of complaints about Colbert's commentary earlier in the week, according to the FCC's chief.

FCC Chairman Ajit Pai promised to "take the appropriate action" following a comprehensive investigation of Colbert's remarks.

The FCC's response will depend on whether Colbert's remarks are considered "obscene."

"We are going to take the facts that we find and we are going to apply the law as it's been set out by the Supreme Court and other courts and we'll take the appropriate action," he [told](#) Talk Radio 1210 WPHT Thursday.

"Traditionally, the agency has to decide, if it does find a violation, what the appropriate remedy should be," he said. "A fine, of some sort, is typically what we do."

Broadcast television is governed by different rules depending on the time of day, Pai [said](#) Wednesday, prior to viewing Colbert's comments.

The FCC flags speech it considers "indecent" before 10 p.m., he told Fox Business Network, and looks for "obscene" content after that point. Colbert's "The Late Show" airs at 11:35 p.m. ET on CBS.